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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
Second session
Geneva, 30 March - 10 April 1992
Items 5, 6, 10 and 11 of the provisional agenda

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE AND RELATED DOCUMENTATION

DRAFT RULES OF PROCEDURES FOR THE WORLD CONFERENCE

REGIONAL MEETINGS

REPORT ON STUDIES AND DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations to the Preparatory Committee at its second session for the World Conference on Human Rights submitted by United Nations human rights treaty bodies

Report of the Secretary-General

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RECOMMENDATIONS SUBMITTED BY UNITED NATIONS
HUMAN RIGHTS TREATY BODIES

Recommendations by the Committee on Economic, Social and Cultural Rights to the Preparatory Committee for the World Conference on Human Rights*

The Committee on Economic, Social and Cultural Rights,

Pursuant to paragraph 9 of General Assembly resolution 45/155 of 18 December 1990, paragraph 5 of Commission on Human Rights resolution 1991/30 of 5 March 1991, decision PC/6 adopted on 13 September 1991 by the Preparatory Committee for the World Conference on Human Rights at its first session and paragraph 4 VI of General Assembly resolution 46/116 of 17 December 1991,

Recalling the principle that all human rights and fundamental freedoms are indivisable, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Aware of the fact that economic, social and cultural rights are faced with a new challenge as more and more States find themselves in a stage of political as well as economic transition,

Emphasizing that it is precisely in such transition periods that the international obligations incumbent upon States parties to the Covenant on Economic, Social and Cultural Rights assume their primary importance for the particularly vulnerable members of society,

Convinced that, in the words of the Secretary-General of the United Nations, genuine political democracy has little chance to survive, and stability is bound to prove elusive, without social justice.

1. Decides to request its Chairperson or other designated members of the Committee to represent it at all further sessions of the Preparatory Committee of the World Conference on Human Rights;

2. Adopts the following recommendations to the Preparatory Committee:

(a) An energetic and concerted effort should be made both during the process of preparation of the World Conference and at the Conference itself, to induce States Members of the United Nations that have not yet done so to become parties to the two International Covenants, and thus to take a decisive step towards attaining universality of participation in these two basic instruments;

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* Adopted by the Committee at its 23rd meeting (sixth session), held on 10 December 1991.

(b) States parties to the two International Covenants as well as to other human rights treaties should be encouraged to comply fully with their reporting obligations;

(c) A specific item relating to the activities of the treaty bodies of the United Nations human rights system should be included in the agenda of the World Conference;

(d) The agenda of the Conference should be organized in a manner that the rights enshrined in the Covenant on Economic, Social and Cultural Rights are given due emphasis;

(e) Members of the United Nations human rights treaty bodies should be invited to contribute as observers by taking part as appropriate in the work of the World Conference

(f) A meeting of members of human rights treaty bodies should be convened as part of the preparatory process of the World Conference in order to facilitate a comprehensive evaluation of the work of the treaty bodies with a view to making joint recommendations for the improvement of their functioning;

(g) Efforts should be made by the United Nations to give effect to the principle, enunciated in the 1968 Proclamation of Teheran, that human rights are interrelated, interdependent and indivisible;

(h) Efforts to popularize the idea that human rights are indivisible, interdependent and interrelated should be encouraged and promoted in seminars and workshops;

(i) Efforts should be made to win acceptance for the idea that the degree to which economic, social and cultural rights are exercised is an indication of a country's level of development, and hence to:

(i) Secure agreement that international development financing institutions should, in devising methods of assessing countries' development efforts, include the yardstick of exercise of economic, social and cultural rights in order to ensure that individuals are the beneficiaries of progress made by States in the field of development;

(ii) Encourage a better approach, nationally and regionally, to the human rights aspect of development programmes;

(iii) Encourage, by means of financial measures, efforts by countries committed to democracy, so as to help them give effect to economic, social and cultural rights; and support, by means of advisory services, efforts by countries engaged in democratic reform (transition), helping them to set up the appropriate institutions;

(j) Action should be taken to give effect to article 23 of the Covenant on Economic, Social and Cultural Rights by launching discussions on the various categories of rights covered by the Covenant in order to arrive at recommendations at the international level, in order to help the appropriate United Nations bodies to provide better support for the promotion of economic, social and cultural rights. This will encourage dialogue between experts, Governments, international institutions, non-governmental organizations and bodies monitoring the Covenant (the Committee), and help them to arrive at a clearer understanding of all the aspects and practical steps that could further the implementation of the Covenant;

(k) Efforts at coordination among the international bodies responsible for development (World Bank, International Monetory Fund), specialized agencies and treaty-monitoring bodies are needed in order to permit a better assessment of the impact that such agreements have on development in States parties, and their shortcomings;

(l) The list of issues to be examined during the preparatory process should include the following topics relating to more effective implementation of international instruments on human rights, particularly of reporting obligations under such instruments:

(i) Ways and means of improving and facilitating both the preparation of States parties' reports and their assessment by the supervisory bodies as, for instance:

Better coordinated reporting cycles;

Sufficient meeting time for the treaty bodies;

More efficient use of advisory services by, among other things, employing the expertise of members of treaty bodies both in the preparation of reports and in the process of bringing domestic legislation and practice into conformity with international obligations;

Consolidation of the reports to be submitted by States parties to the various supervisory bodies (possibly going as far as the preparation of one single comprehensive report divided into various chapters addressed to the different treaty bodies);

Preparation of auxiliary documentation, e.g. a compilation of all general comments and concluding observations rendered by the treaty bodies, studies on common and overlapping provisions contained in the various human rights instruments and their application and interpretation by the different treaty bodies;

The elaboration of appropriate indicators to better evaluate progress made by States in complying with their treaty obligations;

(ii) The feasibility and desirability of entrusting the monitoring of compliance with new human rights instruments to already existing supervisory bodies as well as the possibility of adopting new treaty obligations in the form of additional protocols to already existing instruments, particularly the two International Covenants;

(iii) The feasibility and desirability of a merger of some or all existing supervisory bodies into one or two committees, for instance one committee to monitor compliance with civil and political rights and non-discrimination and a second committee entrusted to supervise compliance with economic, social and cultural rights;

(iv) The creation of an adequate follow-up to reporting;

(v) Ways and means to induce States to comply with their reporting obligations on time as well as in conformity with the guidelines devised by the supervisory bodies;

(vi) Ways to encourage States to submit their reports in conformity with the guidelines devised by the supervisory bodies;

(vii) Methods of increasing and consolidating the expertise of the treaty bodies in their respective fields, as, for instance, days of discussion during committee sessions, seminars and workshops;

(viii) Ways of facilitating communication between the supervisory bodies and non-governmental organizations;

(ix) Ways to improve the overall quality of the reports of the supervisory bodies, with a view also to rendering them more interesting to the general public, including the feasibility of preparing "country reports" consolidated from the respective parts of the annual reports submitted by the supervisory bodies;

(x) Ways to secure that the reports submitted by the treaty bodies are given more adequate consideration in the various annual reports and similar documentation prepared through the United Nations as well as its specialized agencies;

(xi) The possibility of establishing a programme of advising States as to the most effective methods of incorporating international human rights instruments into their domestic legal orders;

(m) The States Members of the United Nations should provide the work of the organization in the field of human rights, in particular the Geneva Centre for Human Rights, with a more adequate financial basis, commensurate with the increase of human rights-related activities of the Organization, and including

full funding of treaty bodies from the regular United Nations budget or through the appropriate financial arrangements enabling all of these committees to operate effectively on a permanent basis;

(n) Steps should be taken to ameliorate the efficiency of the Centre for Human Rights by strengthening its staff, in particular by recruiting new personnel already having experience in international human rights matters, by revising the Centre's internal organization of work and bringing to bear modern management techniques;

(o) The Preparatory Committee as well as the World Conference should further explore the following more far-reaching issues:

(i) The establishment of High Commissioner for Human Rights;

(ii) The creation of an International Court for Human Rights;

(iii) The establishment of a (research) Institute for Human Rights connected with the Geneva Centre;

(iv) Cooperation and coordination with regional systems for the protection of human rights;

(p) Analytical and action-oriented studies should be prepared on the following topics:

(i) Effective implementation of international instruments on human rights, including reporting obligations under such instruments (revision and updating of United Nations document A/44/668 of 8 November 1989);

(ii) Objectives of reporting;

(iii) Feasibility of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, providing for an individual communication procedure;

(iv) Obstacles preventing the full realization of economic, social and cultural rights, particularly in developing countries;

(v) The situation of particularly vulnerable members of society with regard to the enjoyment of economic, social and cultural rights;

(vi) Economic and social indicators appropriate for the evaluation of the performance by States parties to the International Covenant on Economic, Social and Cultural Rights of their respective treaty obligations.

Contribution of the Committee on the Elimination of Discrimination against Women to the World Conference on Human Rights 1993*

The Committee on the Elimination of Discrimination against Women requests that the question of the equal enjoyment of human rights and fundamental freedoms by women be fully reflected in the agenda of the Conference and, in particular, the close relationship between the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women and those guaranteed under the other international human rights instruments.

Such a theme would emphasize that women's equality is a significant human rights issue and, to this end, attention should be given to the extent to which this issue has been addressed effectively by the implementation methods and mechanisms under human rights covenants and conventions.

The Committee requests the Secretary-General to ensure that, as far as possible, documentation prepared for the World Conference on Human Rights in accordance with paragraph 4 V (a) of General Assembly resolution 46/116 includes a gender perspective.

The Committee suggests that the Secretary-General of the United Nations take steps to initiate the translation of the Manual on Human Rights Reporting prepared by the United Nations Institute for Training and Research and the Centre for Human Rights into all the official languages of the United Nations as soon as possible and distribute it to all States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

The Committee suggests that the Secretary-General prepare a publication on the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee in like manner as the Fact Sheets for other human rights instruments and bodies.

Recommendation by the Committee on the Rights of the Child to the Preparatory Committee for the World Conference on Human Rights**

The Committee on the Rights of the Child,

Pursuant to paragraph 9 of General Assembly resolution 45/155 of 18 December 1990 and paragraph 5 of Commission on Human Rights resolution 1991/30 of 5 March 1991,

1. Designates its Chairperson as its representative to the meetings of the Preparatory Committee for the World Conference on Human Rights;

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* Adopted by the Committee at its eleventh session (January 1992).

** Adopted by the Committee at its 27th meeting (first session), held on 18 October 1991.

2. Adopts the following recommendations:

(a) A specific item relating to the activities of the human rights treaty bodies should be included in the agenda of the World Conference;

(b) The agenda of the Conference should be organized in a manner that the rights of the child are given due emphasis. A specific item should also be included for the purpose of discussing the Convention on the Rights of the Child as an illustration of the indivisibility and interrelationship of different human rights;

(c) The list of issues to be explored during the preparatory process should include:

(i) Improving the effectiveness of the existing human rights treaty bodies;

(ii) Ways and means of strengthening the material and human resources of the Centre for Human Rights;

(d) All members of the treaty bodies of the United Nations human rights system should be invited to participate in the World Conference;

(e) A meeting of members of human rights treaty bodies should be convened as part of the preparatory process in order to faciitate a comprehensive evaluation of the work of the treaty bodies with a view to making recommendations for the improvement of their functioning;

(f) The holding of national, regional and international workshops and seminars should be encouraged during the preparatory process and their results should be presented to the World Conference;

(g) Special studies should be undertaken during the preparatory process to enable the World Conference to implement the provisions contained in paragraph 1 (b) of General Assembly resolution 45/155.